CM00/17

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P.NO. 3816 /2003

PETITIONER

Smt Radhabai, widow of Late Premlal Gore, aged about 23 years, resident of Katrapara, Vikash Khand – Odgi, Tah. Ambikapur, Distt. Surguja, presently residing at : village – Samaniya (Kapu), Tah. Dharamjaigarh, Distt. Raigarh, Chhattisgarh.

P.R. No. 3613/03
Presented by Shri ... Advocate
dated 4.8.03

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through the Secretary, Department of Tribal Welfare, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)

2. The Commissioner, Department of Tribal Welfare, Dau Kalyan Singh Bhawan, Mantralay, Raipur (Chhattisgarh)

3. The Collector, District Surguja (Chhattisgarh)

4. Assistant Commissioner, Department of Tribal Welfare, Ambikapur, distt. Surguja (Chhattisgarh).

5. The Block Education Officer, Education Block Odgi, Tah.

RECEIVED COPY
18.11.03
Clerk to A.G. Bilaspur

संपथ आयुक्त
एम.के. शक्ला
बिलासपुर तहसील क्लर्क

Ambikapur, Distt. Surguja (Chhattisgarh)

WRIT PETITION UNDER ARTICLE 226 /227 OF THE CONSTITUTION OF INDIA

RESPONDENT NO.6 : UNION OF INDIA, THROUGH : THE SECRETARY, DEPARTMENT OF PERSONNEL, PUBLIC GRIEVANCE AND PERSONNEL, THIRD FLOOR, LOKNAYAK BHAWAN, KHAN MARKET, NEW DELHI.

RESPONDENT NO.7 : STATE OF MADHYA PRADESH, THROUGH : THE SECRETARY, DEPARTMENT OF TRIBAL WELFARE, VALLABH BHAWAN, MADHYA PRADESH, BHOPAL

Sanjeev Gadkary
Counsel for petitioner
13.8.04
20/8/04

Attested
1/8/04

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

58

आदेश पत्रक

W.P. No. 3816/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21-12-2005

Petitioner by Shri A.N. Bhakta, Advocate.
Shri Vivek Sharma, Panel Lawyer, for the State.
Heard.

This case relates to compassionate appointment consequent upon the death of an employee serving in the State.

Learned counsel for the petitioner categorically stated that in this case, the death of the employee has occurred on or after 1-11-1997 and not earlier. It is further submitted that in batch of cases bearing W.P. No.1322/2002 involving the same question orders have been passed by this Court on 20/12/2005. He prays that similar orders may be passed in this case also.

Learned counsel for the State does not dispute the above fact and state that the State of Chhattisgarh has taken a decision to consider the cases of dependants of those employees who died on or after 1/11/1997 strictly in accordance with the policy prevalent at that time.

In view of the submissions made by learned counsel appearing for the parties, without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the State of Chhattisgarh and the authorities concerned to consider and decide the case of the petitioner in accordance with the policy prevalent at the time of death of the employee concerned. If the petitioner found eligible, appointment orders will be issued as early as possible on or before 30th April, 2006. The petitioner is also directed to render due co-operation to the authorities. It is made clear that if any grievance still remains, the petitioner may avail the remedy available under the law including filing of the petition before this Court.

With the aforesaid observations, this petition stands disposed of.

Certified copy as per rules.

Copy to the State counsel, who will be obliged to communicate the order to the respondents for compliance.

Sd/-
Fakhruddin
Judge

[पीछे देखिये